

**From:** Timothy Lawless  
**To:** Microsoft ATR  
**Date:** 1/23/02 8:20am  
**Subject:** Microsoft Settlement

I believe that the proposed settlement to the Microsoft Antitrust case is an incomplete solution that will not resolve the underlying business practices that have choked out competition out of the PC software markets.

Specificly:

I.

The definition of the "Windows Operating System Product" is too narrowly defined, and will thus permit microsoft to leverage their past wrongs by slightly changing their Operating System product to fall outside of the definition.

It is proposed that Definition "U." should read:

"Windows Operating System Product" means any software or firmware code distributed commercially for given away free of charge by Microsoft that is capable of executing any subset of the Win32 APIs or a derivative thereof, including with out exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, Pocket PC 2002, and successors to the forgoing, including the products currently code named "Longhorn" and "Blackcomb" and their successors, including upgrades, bug fixes, service packs, subscriptions, etc.

II.

Section E Permits mircoroft to develop proprietary APIs for Microsoft products that will enable those products to have an unfair competitive advantage over published, likely less efficient APIs.

It is proposed that Section E be ammended by striking:

for the sole purpose of interoperating with a Windows Operating System Product"

and inserting:

for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows,

III.

Section III, A, 2 of the Proposed final judgement is worded in such a way that will allow Microsoft to use pricing arrangements to force vendors to continue to sell Microsoft loaded hardware, when other competitive operating systems are present. It is proposed the section be amended by adding:

or (c) includes a non-Microsoft Operating System but no Microsoft Operating System Product; or

Again, I believe that the settlement is Bad for the Public, Bad for the Competition, and only good for Microsoft. I urge you to throw out the proposed settlement.

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